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(202) 467-5915

LAW OFFICES
KOTEEN & NAFTALIN, L.L.P.
1150 CONNECTICUT AVENUE
WASHINGTON, D.C. 20036-4104

BERNARD KOTEEN*
ALAN Y. NAFTALIN
ARTHUR B. GOODKIND
GEORGE Y. WHEELER
MARGOT SMILEY HUMPHREY
PETER M. CONNOLLY
CHARLES R. NAFTALIN
*SENIOR COUNSEL

February 10, 2000

Hand Delivered

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th St., S.W.
Washington, DC 20554

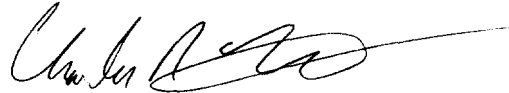
Re: MM Docket Nos. 00-10/99-292, RM-9260

Dear Ms. Salas:

Transmitted herewith, on behalf of Alaskan Choice Television, L.C., are an original and four copies of its Comments of Alaskan Choice Television, L.C. in the above-referenced proceeding.

In the event that there are questions concerning this matter, please communicate with this office.

Very truly yours,



Charles R. Naftalin

Enclosures
cc: Wanda Hardy (diskette)

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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In the Matter of)	
)	MM Docket No. 00-10
Establishment of a Class A)	MM Docket No. 99-292
Television Service)	RM-9260

COMMENTS OF ALASKAN CHOICE TELEVISION, L.C.

Alaskan Choice Television, L.C. ("ACTV"), by its attorneys, hereby submits its Comments in response to the Commission's Order and Notice of Proposed Rule Making, FCC 00-16 (released January 13, 2000) ("NPRM") in the above-captioned matter.

ACTV has managed two groups of low power television ("LPTV") stations since 1996 serving Fairbanks and Anchorage, Alaska, and has received the Commission's consent to acquire them. These stations provide wireless cable television services that compete with local wireline cable television and serve communities without wireline cable television service. In order to be more competitive, in 1998 ACTV sought and received authority from the Commission to convert all of these LPTV stations from analog to digital operations. This conversion will permit ACTV to multiplex its authorized channels, greatly expanding the number of video services provided to subscribers and allowing ACTV to offer high speed, wireless Internet access. The final stages of the development of this innovative system are underway.

By these Comments, ACTV demonstrates that the Commission should adopt rules and policies which provide maximum flexibility for Class A status eligibility and technical criteria in order to promote new, meritorious and innovative uses of LPTV stations. Class A status, offering new protection against displacement and interference, will allow emerging service providers, such as ACTV, to advance the public interest.

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Eligibility Criteria The Commission should provide maximum flexibility to applicants seeking Class A status for LPTV stations. ACTV agrees with the Commission that Class A status was intended by Congress¹ for program services which include defined minimum amounts of programming produced in the “market area” and not for simple rebroadcasters of the content of other stations. (NPRM, paras 18-19)

ACTV supports the Commission’s view that the CBPA term “market area” should mean the protected service areas of Class A stations. With regard to the understanding of “produced,” ACTV urges the Commission to clarify that production of programming is not narrowly restricted to local production. The distinction the CBPA makes is between programming which is original to the market area as opposed to simple retransmission from another broadcast station in or near the LPTV station (*i.e.* a translator). Any LPTV station which provides programming not otherwise broadcast in the market whether locally produced, or obtained through networks or syndications, should satisfy the requirement. For example, an LPTV station offering three or more hours of programming per week not otherwise broadcast in the market would meet the eligibility requirements.

This would be consistent with other public service obligations the Commission has required of television broadcasters for many years. Television stations may satisfy their children’s programming and issue responsive programming requirements through any programming aired. These requirements are not limited to local, station-originated programs. The same should be true for Class A LPTV stations. It would be unwarranted to hold Class A stations to more burdensome programming obligations than applied to full power stations.

¹See Community Broadcasts Protection Act of 1999, Section 5008 of Pub. L. No. 106-113 Stat. 1501 (1999), *codified* 47 USC Section 336(f) (“CBPA”).

The programming obligation also should be applied to integrated systems of LPTV stations and digital stations which multiplex their signals. For example, ACTV is developing a digital system which will allow vast efficiency increases in the use of spectrum as compared to current analog technology. The planned system will be able to offer scores of video programming services, and high speed wireless Internet access, rather than the current NTSC system of one video source per channel. ACTV's digital system will offer a valuable mix of program services, including locally produced programming, other stations in the market, and syndicated and network programs not otherwise broadcast in the market area. Such arrangements should be authorized to meet the Class A eligibility criteria so that state-of-the-art technologies and innovative uses for LPTV stations will be promoted, not retarded.

ACTV understands that television channels outside of the "core" frequencies eventually will be deployed for other uses, thereby eliminating channels 52 through 69 for use by all television broadcasters (unless purchased through auction). While not challenging the ultimate outcome, ACTV urges the Commission to order that current LPTV stations using these channels be permitted to remain in operation for an interim period without restriction, until such time as an authorized new user has deployed facilities and will go into actual operation. In many locations, such as Alaska or rural communities elsewhere, it is possible that actual new deployments will not take place for long periods of time, so that continued operations by existing LPTV stations on an interim basis would cause no harm. Indeed, premature vacation of frequencies by LPTV stations would be grossly inefficient, leaving valuable spectra unnecessarily empty.

In this regard, ACTV also requests that the Commission protect interim LPTV stations operating on Channels 52 to 69 with Class A status, or equivalent safeguards, to the extent that such stations meet all relevant eligibility requirements. This would be on the express

understanding that the interim Class A operations would be ended immediately upon deployment and actual operation of any user authorized for the frequency in question.

Technical Criteria As with eligibility, ACTV urges maximum flexibility for technical and engineering requirements to allow the least burdensome and most efficient uses of Class A LPTV stations.

ACTV agrees that full power television stations, both NTSC and DTV, should be protected fully, along with existing and currently permitted non-Class A LPTV stations. Thus, ACTV agrees that *de minimis* levels of interference should not be authorized, although all LPTV and full power television stations should be free to privately negotiate interference agreements among them, as the Commission permits for all other broadcast licensees. The Commission should continue its full set of safety provisions for DTV adjustments. Full power stations should not be allowed to interfere with, or displace, Class A stations due to channel swaps if entered into only for cost saving purposes, rather than true service needs. This is basic fairness and necessary to preserve the integrity of the Class A service.

ACTV supports the use of all reliable means of interference analysis. In particular, the Commission should authorize applicants to take terrain shielding into account in their interference studies, including, but not limited to, the use of the Longley-Rice terrain-dependent propagation model. With rapidly developing technology, the Commission should not restrict the options of broadcasters in demonstrating compliance with interference standards.

Finally, ACTV urges that the Commission adopt protected digital service areas for Class A and non-Class A LPTV stations which mirror the comparable analog standards which have been in place for years. Generally, the Commission has limited LPTV stations to more restricted city grade contours than those for full power stations. LPTV stations on Channels 2 to 6 have

been 15 dB less than full power stations, LPTV stations on Channels 7 to 13 have been 12 dB less, and LPTV stations on Channels 14 and above have had city grade contours 10 dB less than those of full power stations. Based upon this well established differential, ACTV urges that the Commission adopt the following protected digital service areas for all authorized LPTV stations:

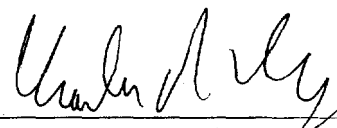
Channels 2 to 6	43 dBu
Channels 7 to 13	46 dBu
Channels 14 and above	51 dBu.

This represents a reasonable accommodation among all interested stations, based upon a well known and workable arrangement.

In conclusion, ACTV respectfully suggests that the Commission serve the public interest in this proceeding by ensuring maximum flexibility in establishing the eligibility and technical criteria for Class A LPTV stations. This would support the purposes of the CBPA in protecting LPTV stations and the public interest in expanding the efficient use of the broadcast spectrum and deployment of advanced technologies.

Respectfully submitted,

ALASKAN CHOICE TELEVISION, L.C.

By: 
Charles R. Naftalin

Koteen & Naftalin, L.L.P.
1150 Connecticut Avenue, N.W.
Washington, DC 20036
(202) 467-5700

February 10, 2000

Its Attorneys